

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

0309.002/P

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,836,995, granted November 17, 1998, and for which a reissue patent is sought on the invention entitled PORTABLE MUSCLE STIMULATOR WITH PULSE WIDTH CONTROL

the specification of which

is attached hereto.

was filed on _____ as reissue application number _____ / _____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- by reason of a defective specification or drawing.
- by reason of the patentee claiming more or less than he had the right to claim in the patent.
- by reason of other errors.

At least one error upon which reissue is based is described as follows:

Claims 1-15 and 21-42 all include the limitation that the beginning of the pulse has a ramp portion from zero to maximum intensity, a middle portion constant at maximum intensity and an end ramp portion from maximum intensity to zero.

Similarly, claims 16-20 all include the limitation that the microcontroller ramps up the intensity of each pulse at the beginning of each pulse train to an intensity preselected by the patient and the ramps down the intensity to zero at the end of the pulse train. Because the ramp or ramping limitations are not necessary to avoid the prior art or to claim the invention definitely, the patent covers less than the patentee has a right to claim.

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

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Inventor's signature

Michael B. McGraw

4/7/99

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Full name of third joint inventor (given name, family name)

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Residence

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Additional joint inventors are named on separately numbered sheets attached hereto.